

AN ORDINANCE 2007-05-31-0601

AUTHORIZING THE ACCEPTANCE OF AN OFFER FROM FREIGHTLINER OF SAN ANTONIO, LTD. TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH FORTY FIVE (45) AUTOMATED REFUSE COLLECTION TRUCKS POWERED BY DIESEL FUEL FOR A COST OF \$9,912,735.00.

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WHEREAS, the City of San Antonio ("City") issued Invitation for Bid No. 07-068DG soliciting offers to supply the City with cleaner burning diesel powered automated refuse collection trucks to be used in the collection and disposition of refuse generated by the City's residents; and

WHEREAS, the City recognizes that the prompt, efficient, and careful removal of refuse is necessary to maintain sanitary conditions to preserve and protect the health and safety of the City's residents; and

WHEREAS, the City recognizes that there are significant differences in equipment that contribute to the safe and efficient operation of refuse collection operations, and that cleaner burning fuel provides cleaner air, which also impacts the health and safety of the City's residents; and

WHEREAS, the City recognizes that it has the option and has reserved to itself the right to award a contract for the purchase of refuse collection vehicles to the lowest responsive bidder, the bidder providing the best value to the City, or based on the health and safety exemption to competitive bidding found in Texas Local Government Code Section 252.022(a)(2) [See Page 11, Paragraph 8, line 5 from top, Formal Invitation for Bids]; and

WHEREAS, offers were submitted to provide the City with 60 automated refuse collection trucks, with the City having the option to increase or decrease quantities, and with the option to purchase an additional 60 vehicles subject to additional action and funding by the San Antonio City Council; and

WHEREAS, the City wishes to purchase 45 diesel powered vehicles at this time; and

WHEREAS, the City also issued IFB No. 07-080DG simultaneously, for the purchase of automated refuse collection trucks powered by compressed natural gas, and intends to purchase 15 of those vehicles; and

WHEREAS, the purchase of trucks powered by compressed natural gas is conditioned upon the fulfillment of certain conditions precedent, which, if not met, will require the City to purchase 15 diesel powered trucks in order to have a total of 60 trucks ordered to meet City's schedule to convert its fleet to cleaner burning fuels to improve air quality; and

WHEREAS, the City requested trucks for evaluation from the parties submitting offers; and

WHEREAS, trucks were evaluated to determine whether they met the City's specifications and requirements, including, but not limited to the following: arm cycle time, arm reach, gripper open width, automatic lifts and set down of cart by arm, grip of cart by arm, and compaction of load, ergonomics, visibility, safety and comfort, all of which effect the efficiency and safety of the operation, ultimately impacting refuse collection efforts overall; and

WHEREAS, of the trucks submitted, neither the Bridgeport nor the Wayne body met all of the City's specifications; and

WHEREAS, of the trucks submitted for testing, the Condor cab and chassis with the Heil Body and Durapak Python arm, demonstrated by Freightliner of San Antonio, Ltd ("Freightliner"), was determined to be the least expensive of the models offered that met the City's specifications and requirements, and best suited the City's needs, providing the overall best value to the City; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Council hereby finds and determines that this procurement authorized by this Ordinance is subject to the "health and safety" exception established by and provided for in §252.022(a)(2) of the Texas Local Government Code, in that the acquisition of the refuse collection vehicles is necessary to preserve and protect the health and safety of the residents of the City by providing for (i) collection and disposal of garbage and other refuse in an efficient, safe, timely and orderly manner; (ii) prevention of accumulation of garbage and other refuse throughout the City; (iii) prevention of the infestation of rats, vermin, and other pests and public health threats throughout the City resulting from such accumulation; and (iv) prevention of the spread of diseases resulting from (ii) and (iii) above.

SECTION 2. The City Council hereby finds that the Condor cab and chassis with the Heil Body and Durapak Python arm meets the City's specifications and requirements, is best suited to the City's needs, and provides the overall best value to the City.

SECTION 3. The low, responsive bid of Freightliner of San Antonio, Ltd to provide the City of San Antonio with 45 automated, diesel powered, refuse collection trucks for a total cost of \$9,912,735.00 is hereby accepted, subject to and contingent upon the deposit of all required bonds, performance deposits, insurance certificates and endorsements, and subject to execution of a lease purchase agreement or other financial obligations. A copy of the contract and bid tabulation sheet are attached hereto and incorporated herein for all purposes as Exhibit I. The City Manager, her designee, or the Director of Environmental Services are hereby authorized to execute said contract. Further, should the conditions precedent not be met, causing the City not to purchase 15 trucks fueled by compressed natural gas, the City may purchase an additional 15 diesel trucks pursuant to the contract authorized by this Ordinance. The Director of Purchasing & Contract Services is hereby authorized to issue a purchase order for the additional 15 diesel trucks without further action required by the San Antonio City Council, subject to appropriation of funding therefor.

SECTION 4. Funding in the amount of \$6,388,207.00 is available in Fund 72001000 Equipment Renewal and Replacement Fund, Cost Center 1503200001 Administration, General Ledger 5709090 Mach & Equip Auto as part of the FY07 Budget. The balance of funding will be paid through a Tax Exempt Lease Purchase Contract, contingent upon the execution of a lease program schedule or other financial obligations.

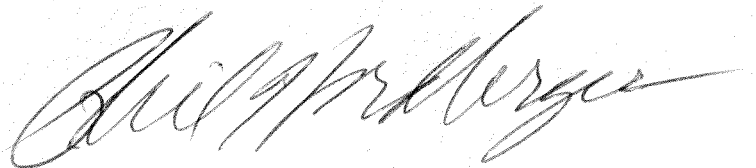
SECTION 5. Payment not to exceed the budgeted amount is authorized to Freightliner of San Antonio, Ltd. as per the terms of the agreement and should be encumbered with a purchase order.

SECTION 6. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP

Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 7. This ordinance shall take effect immediately upon passage if adopted by eight (8) affirmative votes; otherwise, this ordinance shall take effect ten (10) days from the date of passage hereof.


PASSED AND APPROVED this 31st day of May, 2007.



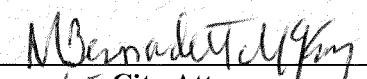
M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney